

REMARKS

In the Examiner's Action dated March 29, 2002, the Examiner has restated, *verbatim*, the twelve pages of rejection previously set forth in the Examiner's Action dated October 18, 2001.

Consequently, rather than restate Applicant's position, Applicant incorporates herein the Response previously filed to that Action on March 4, 2002.

In the present Response; however, Applicant will direct remarks to the Examiner's "Response to Arguments" set forth in the last page and a half of the Examiner's Action dated March 29, 2002.

In that Response, the Examiner notes Applicant's previous arguments with respect to the lack of the *Bernerus* reference demonstrating "selected and non-selected software within a personal computer in a non-usable form and the subsequent rendering of the selected software into a usable form" acknowledging the lack of this showing within the reference but asserting that the secondary reference, *Harding*, U.S. Patent No. 5,794,052 demonstrates this feature. Applicant respectfully traverses this position.

As set forth in Claim 1, for example, the Applicant's claim "a personal computer system initially loaded with software including selected and non-selected software in unusable form, with the selected software later converted and loaded thereon in usable form . . ." The cited portion of *Harding*, within the background of the invention, is part of the portion of that description entitled "End User Setup" as noted at Column 2, line 45. In that portion of the *Harding* reference, *Harding* describes the difficulty encountered by manufacturers who ship computers to multiple countries where multiple foreign languages are spoken. In order to resolve this problem, *Harding*, at Column 2, line 63, *et seq.*, notes "Therefore, computer manufacturers pre-install every desired foreign language version of DOS and Windows onto every computer system that is being manufactured for shipment to foreign countries. This reduces the amount of

time that the computer manufacturers otherwise have to spend keeping track of which computer systems are being shipped to which foreign country." Thereafter, as noted at Column 3, line 32, *et seq.*, *Harding* teaches that the user in a particular foreign country must delete the non-selected versions of these programs. Thus, one having only routine skill in this art would appreciate, upon reference to the foregoing sections of *Harding*, that the cited portion of *Harding* teaches a system in which operational versions of multiple languages of programs are installed in a computer and non-selected language versions of that program are then deleted from the computer.

Applicant respectfully asserts that there is no possible interpretation of this teaching which suggests the initial loading of software, including selected and non-selected software "in unusable form, with the selected software later converted and loaded thereon in usable form . . ." and the Examiner's continued assertion that *Harding* teaches this feature is not understood by the Applicant. Indeed, the technique described at the cited portion of *Harding* is absolutely identical to that technique set forth in the present Specification at page 5, line 5, *et seq.*, which describes one prior art approach, namely "The second approach is to load everything which any user (e.g., in any part of the company) will want to use, and then have the user either ignore the unwanted software or delete it." (Emphasis added) This particular technique is described as having multiple disadvantages in that license fees for software can be incurred even though a particular copy of that software would not be used, or would be deleted by the user.

Similarly, the Examiner's reliance on *Thomas* for disclosing the paying of royalties on only selected software fails to address the deficiency noted above with respect to the failure of these references to show or suggest in any way the loading of software, including both selected and non-selected software, in an unusable form and the subsequent rendering of the selected software into usable form as set forth within the present claims.

Thus, Applicant once again respectfully asserts that the Examiner has misinterpreted the claims of the present Application as these claims expressly and clearly set forth the installation of both selected and unselected software into a computer in unusable form and the subsequent

rendering of the selected software into usable form in a manner which more efficiently permits the application of royalty payments and the minimization of network bandwidth utilization.

In view of the above, Applicant respectfully urges that Claims 1-21 define patentable subject matter over the cited references and withdrawal of the Examiner's rejections is respectfully requested.

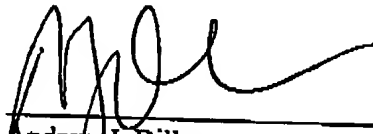
In the event the Examiner desires to sustain this rejection, Applicant hereby requests the courtesy of a telephonic conference between the Examiner and the Examiner's supervisor so that the inappropriate nature of these rejections may be discussed. The undersigned attorney may be reached at (512) 343-6116 during normal business hours, Central Daylight Saving Time, in order to facilitate the scheduling of a such a conference.

A review of Applicant's file also reveals that an Associate Power of Attorney and Change of Correspondence Address was filed in this Application on February 15, 2001. All correspondence subsequent to that change of correspondence address has been sent to the previous correspondence address. The Examiner's assistance in ensuring that a Response to the arguments submitted herewith is directed to the appropriate address would be greatly appreciated.

Docket No. RP9-98-096
Page 4

No fee is believed to be required; however, in the event any additional fees are required, please charge **IBM Corporation Deposit Account No. 50-0563**. No extension of time is believed to be required; however, in the event any extension is required, please consider that extension requested and please charge any associated fee and any additional required fees to **IBM Corporation Deposit Account No. 50-0563**.

Respectfully submitted,



Andrew J. Dillon

Reg. No. 29,634

BRACEWELL & PATTERSON, L.L.P.

Suite 350, Lakewood on the Park

7600B North Capital of Texas Highway

Austin, Texas 78731-1168

(512) 542-2100

ATTORNEY FOR APPLICANT

Docket No. RP9-98-096

Page 5